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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 UNITED STATES OF AMERICA,)	No. CR 10-00909 JF
)	
12 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING STATUS
13 vs.)	HEARING DATE AND EXCLUDING
)	TIME UNDER THE SPEEDY TRIAL ACT
14 JUAN ALVAREZ-CARDENAS,)	
)	
15 Defendant.)	
)	

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17 **STIPULATION**

18 The parties, Juan Alvarez-Cardenas and the government, acting through their respective
19 counsel, hereby stipulate, subject to the Court's approval, that the status hearing date currently
20 set for March 24, 2011, be vacated and continued to April 28, 2011, at 9:00 a.m.

21 Counsel for Mr. Alvarez-Cardenas respectfully ask that the Court to continue the March
22 24, 2011, status hearing date to permit the defense additional time to complete its investigation
23 regarding Mr. Alvarez-Cardenas' notice of his prior removal proceedings, research with respect
24 to the Sentencing Commissions' proposed amendments to U.S.S.G. § 2L2.2 that, if approved,
25 will impact the recommended sentence should Mr. Alvarez-Cardenas be convicted, and to permit
26 the parties to continue their discussions about a possible disposition.

The parties further agree and stipulate that time should be excluded from March 24, 2011, through and including April 28, 2011, to provide defense counsel further time to prepare, for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Section 3161(h). Accordingly, Mr. Juan Alvarez-Cardenas and the government agree that granting the requested exclusion of time will serve the interest of justice and the ends of justice outweigh the interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: March 23, 2011

/s/
VARELL L. FULLER
Assistant Federal Public Defender

Dated: March 23, 2011

/s/
SUZANNE M. DEBERRY
Special Assistant United States Attorney

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[PROPOSED] ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the hearing currently set for March 24, 2011, shall be continued to Thursday, April 28, 2011, at 9:00 a.m.

THE COURT FINDS that failing to exclude the time between March 24, 2011, and April 28, 2011, would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time

1 between March 24, 2011, and April 28, 2011, from computation under the Speedy Trial Act
2 outweigh the interests of the public and the defendant in a speedy trial.

3 IT IS SO ORDERED.

4 Dated: 3/24 _____, 2011



5 THE HONORABLE JEREMY FOGEL
6 United States District Judge
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